

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Joshua Hutton,)	
)	
Plaintiff,)	
vs.)	
)	Case No. 2020-CV-03997
Thomas Ray Barnes, Jr., and The City of)	
Chicago,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant City of Chicago, by its attorney, Mark A. Flessner, Corporation Counsel of the City of Chicago, respectfully requests removal of the above entitled action to this Court, pursuant to 28 U.S.C. §1441(a) and §1446 (a), based on the following grounds:

1. Defendant City of Chicago was named as defendant in a civil action filed in the Circuit Court of Cook County of the State of Illinois, case number 2018L012549, entitled Joshua Hutton v. Thomas Ray Barnes, Jr and the City of Chicago with Defendant Thomas Ray Barnes, Jr.

2. The Second Amended Complaint was filed on June 15, 2020 and the Second Amended Complaint was served upon the City of Chicago on June 15, 2020. Thomas Ray Barnes, Jr. has been served and will not object to this removal. See Second Amended Complaint attached hereto as Exhibit A.

3. Plaintiff brings this action pursuant to 42 U.S.C. § 1983 and Illinois common law. In Counts V and VI, Plaintiff alleges that the Plaintiff was subject to Excessive Force and has suffered from the City of Chicago's deliberate indifference to the constitutional rights of refuse and/or decline to adequately investigate, discipline, charge, report, and/or arrest

fellow officers in violation of the Fourth Amendment of The United States Constitution. The remaining counts make allegations under Illinois law that Plaintiff was battered and assaulted by Thomas Ray Barnes, Jr.

4. Based on the allegations of the complaint and for reasons set forth above, Defendant is entitled to remove this action to this court, pursuant to 28 U.S.C. §1441(a).

5. Pursuant to 28 U.S.C. §1446(a), Defendant City of Chicago, submits all process, pleadings and orders served upon them in Circuit Court of Cook County, Illinois, case number 2018L01249. See Exhibit B (Process & Pleadings) and Exhibit C (Orders).

WHEREFORE, Defendant City of Chicago respectfully requests that the above-entitled action now pending in the Circuit Court of Cook County in the State of Illinois, case number 2018L012549, be removed therefrom to this Court.

Respectfully submitted,

City of Chicago
Mark A. Flessner, Corporation Counsel

BY: /s/ Marion C. Moore
Marion C. Moore
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